

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF NORTH CAROLINA**

FEDERAL TRADE COMMISSION,  
STATE OF CALIFORNIA,  
STATE OF COLORADO,  
STATE OF ILLINOIS,  
STATE OF INDIANA,  
STATE OF IOWA,  
STATE OF MINNESOTA,  
STATE OF NEBRASKA,  
STATE OF OREGON,  
STATE OF TENNESSEE  
STATE OF TEXAS,  
STATE OF WASHINGTON,  
and  
STATE OF WISCONSIN,

Plaintiffs,

v.

SYNGENTA CROP PROTECTION AG,  
SYNGENTA CORPORATION,  
SYNGENTA CROP PROTECTION, LLC,  
and  
CORTEVA, INC.,

Defendants.

Case No. 1:22-cv-00828-TDS-JEP

**DECLARATION OF MARC  
TRIGILIO IN SUPPORT OF  
SYNGENTA'S UNOPPOSED  
MOTION TO SEAL**

I, Marc Trigilio, declare as follows:

1. I am the Head of Legal for the North American Crop Protection business of Defendant Syngenta Crop Protection, LLC ("Syngenta").
2. I have personal knowledge of the facts stated in this declaration or have become aware of such facts through my role at Syngenta. If called upon to testify, I could and would competently testify thereto.

3. I understand that Plaintiffs filed a Motion to Compel Discovery of Syngenta Defendants (ECF No. 218) (“Motion to Compel”) on June 25, 2024.

4. I understand that Syngenta is submitting a Motion to Seal, to request that the Court keep under seal certain confidential information in the memoranda of law and exhibits filed as part of the briefing for the Motion to Compel, that is commercially or competitively sensitive for Syngenta’s business.

5. Syngenta proposes to seal or redact documents containing commercially and competitively sensitive business information, as well as descriptions of such information and directly quoted excerpts from such commercially and competitively sensitive documents. The confidential information that Syngenta proposes sealing or redacting falls into three categories.

6. First, Syngenta proposes to seal or redact information that describes or analyzes Syngenta’s competitive strategies concerning sales and marketing. This is commercially and competitively sensitive business information, and revealing such information would pose a risk of competitive harm to Syngenta’s business.


7. Second, Syngenta proposes to seal or redact certain confidential business and financial information, including analyses of pricing and sales data and customer-specific information. This information is commercially sensitive because it relates to Syngenta’s internal views on, and competitive business strategies for, competing in the crop protection industry, and its disclosure would competitively disadvantage Syngenta.

8. Third, Syngenta proposes to seal or redact certain information that discloses the terms of Syngenta’s business agreements with third parties or details of the negotiations of these agreements. The terms of these agreements and their negotiations are competitively and commercially sensitive business information and are confidential.

9. The foregoing information is commercially and competitively sensitive. It is also not publicly known, and Syngenta has maintained its confidentiality. To the extent Syngenta provided this information to the Federal Trade Commission (the “FTC”) in connection with the FTC’s pre-complaint investigation, Syngenta required that the FTC maintain its confidentiality. Public disclosure of this information—which would make the information available to Syngenta’s business competitors and contractual counter-parties—poses a risk of harm to competition and/or risks placing Syngenta at a competitive and commercial disadvantage.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed on: August 13, 2024

  
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Marc Trigilio